

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13533, of Washington C.M.E. Annual Conference, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the basement of the subject premises as a Child Development Center consisting of forty children, two teachers and two aides in an R-1-B District at the premises 1350 Lawrence Street, N.E., (Square 3963, Lot 1).

HEARING DATE: July 29, 1981
DECISION DATE: September 4, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the northwest corner of the intersection of Lawrence and 14th Streets, N.E.
2. The subject site consists of both lots 1 and 2 in Square 3963. The site has frontage of 100 feet on Lawrence Street and 150 feet on 14th Street.
3. The site is improved with a two story plus basement brick building used as the Bunton Institutional CME Church.
4. The applicant proposes to use the basement of the church to operate a child development center. The maximum enrollment is anticipated to be fifty children, to be served by two teachers and two aides. The initial enrollment is anticipated to be from ten to fifteen children.
5. The hours of operation will be from 7:00 a.m. to 6:00 p.m., Monday through Friday. The center will serve children ages two through five.
6. There will be no articles of commerce for sale.
7. The church is on a corner lot of 15,000 square feet. The church occupies about 7,000 square feet. The floor area devoted to the child development center, therefore, would be between 5,000 and 7,000 square feet. Access to the basement area is through either of two entrances, or a side entrance. The property immediately west of the site, 1348 Lawrence Street, is owned by the Church and occupied by the pastor.

8. The adjacent properties to the north have houses sited approximately 100 feet away from the subject structure. Due to the relative isolation of the building, it is not likely that any noise emanating from the center would adversely effect surrounding property.

9. There is a driveway to the rear of the church leading off 14th Street. Children who arrives at the center by cars can be dropped off either in the driveway or in front of the building on the street. The delivery of children to the site could be done safely and without adverse effect on area traffic conditions.

10. The applicant anticipates that the majority of the children in the center will reside in the general neighborhood in which the site is located.

11. The applicant would have available more than 4,000 square feet of play area on the site. Approximately 2,000 square feet are available outdoors to the front and east of the structure. At least another 2,000 square feet are available in the basement. The yard of the adjacent lot, also owned by the applicant, would be available as well.

12. The two required parking spaces would be provided on the lot to the rear of the structure.

13. The Office of Planning and Development, by memorandum received on July 24, 1981 and by testimony at the public hearing, recommended that the application be granted. The OPD reported that the proposed facility clearly meets all the criteria requisite for the granting of a special exception under Paragraph 3101.41, except for the requirement that the facility be limited primarily to children residing in the neighborhood. The OPD noted that there may be a need to go beyond that area in order to operate the facility at capacity even though the applicant would make an effort to maintain the service as a local one. The site and structure are well suited for the proposed use and sufficiently private so as to reduce any external effects to a negligible level. The Board concurs with the findings and recommendations of the OPD.

14. Advisory Neighborhood Commission - 5A, by letter dated July 31, 1981, supported the application.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. There will be no article of commerce for sale. There will be no adverse conditions created because of noise, traffic, number of students or other objectionable conditions. The use will be reasonably necessary and convenient to the area in which it is located. Sufficient play area and parking is provided to meet the requirements of the Zoning Regulations.

The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore, ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The enrollment shall be limited to forty children.
2. The staff shall comprise two teachers and two aides.
3. The hours of operation shall not exceed from 7:00 a.m. to 6:00 p.m., Monday through Friday.
4. Approval to operate the facility is limited to the applicant only.
5. The space to be used by the child development center shall be used only by the center at all hours that the center is in operation.

VOTE: 4-0 (Douglas J. Patton, Lindsley Williams, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT:

ATTESTED BY:



STEVEN E. SHER
Executive Director

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FINAL DATE OF ORDER: 15 OCT 1981.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.